

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of

THE REGULATION OF RATES, TERMS)
AND CONDITIONS FOR THE PROVISION)
OF POLE ATTACHMENT SPACE TO CABLE)
TELEVISION SYSTEMS BY TELEPHONE)
COMPANIES)

CASE NO. 8040

and

In the Matter of

THE REGULATION OF RATES, TERMS)
AND CONDITIONS FOR THE PROVISION)
OF POLE ATTACHMENT SPACE TO CABLE)
TELEVISION SYSTEMS BY ELECTRIC)
UTILITIES)

CASE NO. 8090

O R D E R

On August 26, 1981, the Commission issued its Order in the above-styled cases, wherein, among other things, all utilities regulated by the Commission which provide pole attachment space for cable television systems were directed to file tariffs within 45 days setting forth the rates, terms, and conditions therefor. Although the prescribed time for filing such tariffs has now passed, a number of electric and telephone utilities have not yet filed such tariffs.

Of the utilities which have filed such tariffs, the Commission has observed that a variety of methodologies have been used to develop rates for providing pole attachment space. Additionally, some of the filed tariffs have specified rates without providing the method by which those rates were developed.

After considering the various tariff filings which have been submitted in this matter, and being advised, the Commission is of the opinion and finds that:

1. The interests of the affected utilities, their consumers, and the subscribers of cable television services require that rates for CATV attachments be developed using a uniform formula or methodology;

2. A generic case should be established to develop, through public hearing, a standard methodology to be used in determining such rates;

3. All proposed tariffs currently filed should be denied, without prejudice, and utilities which have not heretofore filed should be relieved of the requirement to file tariffs within the context of these cases;

4. All utilities regulated by this Commission which provide pole attachment space for cable television services should continue to charge rates based on agreements or contracts currently in effect pending the outcome of the generic proceeding; and

5. The subject utilities should file tariffs using a standard methodology to develop rates for such service, following the completion of the generic proceeding wherein such a standard methodology will be developed.

IT IS THEREFORE ORDERED that all proposed tariffs presently filed with the Commission as a result of these cases be and they hereby are denied without prejudice.

IT IS FURTHER ORDERED that the Order in these cases of August 26, 1981, is amended only to the extent that the requirement

for proposed tariffs to be filed setting forth the rates, terms, and conditions for pole attachment space for cable television services be and it hereby is rescinded.

IT IS FURTHER ORDERED that utilities regulated by this Commission which presently provide pole attachment space for cable television services shall continue to do so under whatever agreements or contracts are presently in effect pending the outcome of Administrative Case No. 251.

IT IS FURTHER ORDERED that the Commission shall, in Administrative Case No. 251, develop a uniform methodology to be used in establishing rates for pole attachment space for cable television services, after which the subject utilities shall be required to file pole attachment tariffs.

Done at Frankfort, Kentucky, this 28th day of October, 1981.

PUBLIC SERVICE COMMISSION

Marlin W. Vth
Chairman

Katharine Handall
Vice Chairman

Jim Caruana
Commissioner

ATTEST:

Secretary